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Attorney for Appellant/Plaintiff Cherie Ivey

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA (San Francisco)**

In Re:

PROS RIVERA,

Debtor,

CHERIE IVEY,

Plaintiff,

vs.

PROS RIVERA,

Defendant.

Civil Number: CV 07-04333PJH

**Bankruptcy No.: 05-32090 TEC
Adversary Proceeding No. 05-3441**

**SUPPLEMENTAL "EMERGENCY"
DECLARATION OF ATTORNEY FOR
APPELLANT IN SUPPORT OF A THREE
(3) WEEK EXTENSION TO FILE
APPELLANT'S OPENING BRIEF AND
APPELLEE RESPONSIVE BRIEF
PURSUANT TO JOINT REQUEST OF
APPELLANT AND APPELLEE**

I Willie E. Phillips, Attorney for the Appellant, declare as follows:

1. I am the Attorney of record for the Appellant/Plaintiff Cherie Ivey in the Appeal filed with the District Court. The Appellant's Opening Brief was due on November 13, 2007. Because of illness which commenced on Friday, November 9, 2007, I could not complete the Appellant's Opening Brief that was due on Tuesday, November 13, 2007.

2. I contacted Sacramento Attorney Carolle R. Hudson and requested that she assist me in submitting an "Emergency" Application and Motion to obtain an Order Extending the due date for the filing the Appellant's Opening Brief one week from November 13, 2007. The "Emergency" Motion was completed on and served on the Appellee's Attorney Chris Kuhner and filed with the District Court Clerk's Office by

1 Attorney Carolle R. Hudson.

2 3. I response to the "Emergency Motion" to Extend the filing Deadline, Appellee Attorney Chris
3 Kuhner requested that the District Court Approve the Extension of the filing Deadline, but requests that the
4 Extension be for three (3) weeks. The Appellant hereby joins with the Appellee and requests that the
5 Deadline to file the Appellant's Opening Brief and Appellee's Responsive Brief for the three (3) weeks.

6 I declare under penalty of perjury that the foregoing Declaration is true and correct and that it was
7 executed on November 15, 2007 in the City of Oakland, California.

8 /s/
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Willie E. Phillips, Attorney for Plaintiff/Appellant
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